

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEVIN L. TUCKER,	:	
Plaintiff,	:	CIVIL ACTION
	:	No. 17-3598
v.	:	
	:	
DAVID SHULKIN, SECRETARY OF	:	
DEPT. OF VETERANS AFFAIRS,	:	
Defendant.	:	

ORDER

AND NOW, this 3rd day of September, 2019, it is **ORDERED** that Defendant's Motion for Summary Judgment (ECF No. 44) is **GRANTED in part** and **DENIED in part** as follows:

- The motion is **GRANTED** on Tucker's failure to accommodate and termination claims under the Rehabilitation Act in their entirety. Additionally, the motion is **GRANTED** on Tucker's claim under the Rehabilitation Act that he was constructively discharged because of his disability.
- The motion is **DENIED** on Tucker's claim under the Rehabilitation Act that he was constructively discharged in retaliation for engaging in protected activity.¹

s/Anita B. Brody

ANITA B. BRODY, J.

Copies **VIA ECF** on 9/3/2019

¹ This is the only claim that Tucker may proceed with at trial.